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HOTEL, STREET, HAWAII

POLITICAL ANNOUNCEMENTS.

NOTICE.

Having been regularly nominated by the Republican District and County Convention for the office of Representative, Fourth District, I respectfully solicit the support of the voters in the coming election.

5350-tf JAMES H. BOYD.

NOTICE.

Having been regularly nominated by the Republican District and County Convention for the office of Representative, Fourth District, I respectfully solicit the support of the voters in the coming election.

JOHN K. KAMANOU, LULU.
5350-tf

NOTICE.

Having been regularly nominated by the Democratic District and County Convention for the office of Supervisor, I respectfully solicit the support of the voters in the coming election.

5350-tf M. C. PACHECO.

NOTICE.

Having been regularly nominated by the Democratic District and County Convention for the office of Sheriff, I respectfully solicit the support of the voters in the coming election.

5350-tf W. P. JARRETT.

NOTICE.

Having been regularly nominated by the Republican District and County Convention for the office of Sheriff, I respectfully solicit the support of the voters in the coming election.

5350-tf ANDREW E. COX.

NOTICE.

Having been regularly nominated by the Republican District and County Convention for the office of Senator, I respectfully solicit the support of the voters in the coming election.

5350-tf A. S. KALEIOPU.

NOTICE.

Having been regularly nominated by the Republican District and County Convention for the office of County Attorney, I respectfully solicit the support of the voters in the coming election.

5350-tf JOHN W. CATHCART.

NOTICE.

Having been regularly nominated by the Republican District and County Convention for the office of Representative, Fourth District, I respectfully solicit the support of the voters in the coming election.

5350-tf WM. WILLIAMSON.

NOTICE.

Having been regularly nominated by the Republican District and County Convention for the office of County Clerk, I respectfully solicit the support of the voters in the coming election.

5350-tf D. KALAUOKALANI JR.

FISHER HEARING

(Continued from Page 1)

General he summoned before the Governor was called to the chair. Lindsay was asked concerning the injunction suit brought by the Wailuku Sugar Co. against the Territory, which was disposed of since he came into office. He stated that the transfer of the lands outside Wailuku for a tract inside the city limits had nothing to do with the dismissal of the injunction suit. The latter was based on the fact that the Territory was using water from a source on the plantation's land, and was taking far more than it really was entitled to. The government's claim in this litigation was that it was taking the water which belonged to natives who had some interest in the lands.

He explained the final settlement of the litigation, a compromise resulting in obtaining a guaranty of some 2,000,000 gallons of water daily, which was considered a remarkably good bargain for the Territory.

Governor Frear, in answer to the Secretary's question, said that the transfer of lands between the Wailuku Sugar Co. and the county of Maui, referred to in the Wailuku hearing, affected lands not connected physically with the water sources involved in the litigation.

Attorney C. R. Hemenway, who was attorney general during the Japanese strike, was questioned concerning that affair. He was asked about the breaking open of safes to obtain documents, and stated that Attorneys Kinney and Prosser, who were said to be mixed in this affair, were not representing the attorney general's office.

While he was at the head of the general prosecution, he did not know of cases wherein men were continually arrested without warrant, and, after being released, rearrested.

Governor Frear volunteered the statement that in at least one instance the owner of the safe accompanied the officer when it was broken open. He was on the island of Hawaii, and that on his return he instructed the high sheriff to not take such radical steps until he had been authorized by the Attorney General on the Governor.

Governor Frear and Attorney Hemenway admitted that the evidence so obtained was used in the courts later by the government. The Secretary and Ashford engaged in argument as to the ethics of such procedure, the former desiring to know what difference it made how the evidence was obtained—as long as it was present, why should it not be used?

The "Labor Cases" Up. Ashford questioned Lindsay closely concerning the arrests of witnesses during the "labor raids" of 1911. Lindsay said he hesitated in getting out the warrant for the arrest of the laborers leaving on the Korea, but that he finally decided the statutes compelled him to do so. He said in answer to a question by Ashford, that he presumed the warrants were issued at the instance of the sugar planters.

Lindsay asserted vigorously that the Governor knew nothing about the matter. "In matters of that kind I never consult the Governor," he said. The discussion drifted from labor to lands then.

Speaking of the Kiohoku land controversy, Lindsay said if there was any blame to be attached to anybody for the failure to eject the Hutchinson plantation people, the blame rests upon his own shoulders, not upon the

Governor. Fisher commented on the case as "a long delay" and evinced a curiosity as to just when the case had been brought to Lindsay's attention. Lindsay said it was sometime in 1910.

Frear Goes On Stand. After a few further questions of a minor nature, Secretary Fisher asked Governor Frear to take the "stand" and to tell in his own way the facts regarding homesteading in Hawaii, particularly with regard to the Delegate's complaint that during the four years of his administration no progress has been made toward homesteading.

Governor Frear told of his naming of the land law commission after finding that there was need for change both in the statutes and in the administration of the laws on homesteading. He also told of his drafting the bill that went to Congress, and of the special session of the legislature called to pass a resolution recommending action by Congress. After the legislature had recommended the bill, said the Governor, he went to Congress to advocate the bill, which passed Congress and was approved early in 1910. He outlined the changes made in homesteading requirements by the new law.

After discussing the general theories of the law, Mr. Fisher asked the Governor to tell him about the actual facts of homesteading. The Governor produced some figures showing that during his administration the average number of homesteads taken up during his administration to be 253 yearly as against 133 yearly or the seven years preceding his administration. He said these figures are for homesteaders actually in possession. These figures apply to all classes of lands, he said. About 5000 acres of lands have been opened up. He gave the detailed figures on the cane lands opened during his term in office. Several tracts of land he mentioned as having been opened Ashford admitted he knew nothing about. Some difference of opinion arose on various points, which Mr. Fisher asked to have checked up through the land office. Frear declared that on at least three tracts of cane lands families had been put, denying this part of the Delegate's complaint. Fisher said that the investigation disclosed that the Delegate's statement is perhaps too broad that the lands have been opened under such conditions as to make failure of homesteading a practical certainty.

Taking up the transportation question, the Governor began with the recent railroad act, which Fisher said had not been mentioned in the formal complaint by the Delegate, but had come up in the course of the investigation.

The Governor explained the methods by which the bill went through the legislature, saying it finally went through the Senate unanimously and the House by a vote of 20 to 10.

He said when it came up to him he thought it was too drastic, but it came up on the third from the last day of the session, with about one-third of all the other measures that had been passed, and he did not, on hasty consideration, think it advisable to veto it after all the careful thought given it by the Legislature, especially as it could not be taken up again at that session.

He said that after more careful consideration he believed the clause relating to removing all liability from the road and its employees should not be included and should be repealed.

Attorney Olson, in the course of the discussion, announced that the case of the Japanese children killed occurred before this Act went into effect. He introduced Walter Dillingham, who confirmed this statement, saying the accident was on the Waihiwa bridge, about a year before the law went into effect. He said further that no action was brought against the company, that it was found not due to criminal negligence on the employees' part and that the company voluntarily contributed money to the family bereaved.

Deputy Attorney General A. G. Smith had something to do with this case, as the road's counsel, and he explained the facts as they came to him, substantiating the remarks of Dillingham and Olson.

Governor Frear then went into the land grant to the railroad at Hilo. He recited the statute of 1878, under which the grant was made. He said that under the same act the Territory conveyed a considerable tract to the O. R. & L. Company 22 years ago in Honolulu. Ashford asked if a considerable portion of this was not fish ponds and virtually worthless land. Governor Frear could not verify this, not knowing.

The Governor read a section of the agreement by which the grant at Hilo was made. Fisher remarked: "That was a pretty bad contract. I remember we commented on that at the Hilo hearing. A very extreme contract, indeed."

The Governor, continuing his explanation of the Hilo deal, said he thought, at the time, that the entire block should be had by the company if it was to have an adequate station. As to tract "A" he said that the

right-of-way to the site of the proposed \$200,000 wharf was absolutely necessary, to carry building materials for the wharf. The Hilo line approaches the O. R. & L. in length, he stated, and undoubtedly needs as much land for terminal facilities. The O. R. & L. has 47 acres and wants more. The Hilo line has only 42 acres for the same purposes. He told of the meeting he had held at Hilo, and of the general discussion of the subject that took place before the contract was given. He was under the impression the contract required the land to be returned if the road did not make use of it as stipulated. The Secretary had not seen this provision and said he was under the impression the land is not all in use now by the railroad company.

Mr. Fisher emphasized his disapproval of the contract with the Hilo railroad, remarking that the transaction did not leave enough written record, showing all the reasons and the real requirements of the road.

W. W. Goodale was finally called in again, at the Secretary's request, and questioned concerning a transaction at Wailuku, in which he purchased sixteen small lots for the Wailuku Agricultural Company.

He said that with this tract his company, in 1904, discovered it had been raising cane on about 37 acres of land belonging to the government. A proposition to buy this from the Territory was then made, maps and survey were taken, and the matter dragged until April 4, 1910, when it was purchased by the Wailuku Water Co., a subsidiary of the Wailuku Agricultural Co.

He stated, in answer to Fisher's question, that no rent for the use of the tract meantime, had been paid the Territory.

Secretary Fisher read a letter from C. J. Wheeler, who proved to be Mr. Goodale's secretary, stating that the land in this tract was worth \$250 to \$300 per acre, that it sold for \$10 an acre, that many homesteaders wanted to bid on it but were afraid of incurring Goodale's displeasure, saying he virtually controlled "everything at Wailuku."

Goodale said Wheeler was in error as to the price paid. He said he paid \$30, instead of \$10, per acre. Goodale said Wheeler had been his stenographer at the time, had handled his correspondence on the matter, and is as familiar with the figures as Goodale.

"He has mistated a fact he knows as well as I do," said Goodale, "and that should nullify all else he has said in that letter." He added that there were no crowds at the sale—only two or three prospective bidders, contrary to the statement in Wheeler's communication to the Secretary.

Fisher, reading portions of the letter aloud, quoted Wheeler as saying that he had declined to cease talking against the Republican ticket, as he was cautioned to do by Wheeler.

Goodale admitted substantially Wheeler's statement that the Wailuku Agricultural Company holds 5000 acres, under five different companies, having the same identical officers.

"Doesn't that appear to you palpable evasion of the law," Fisher asked. "You'll have to ask our attorneys," was the reply. "We did that under advice of our counsel."

Ashford called Fisher's attention to the fact, reported in the newspapers since the investigation began, that four companies have been formed to buy 1000 acres each, each Company having the same officers, C. Brewer & Co., being back of them.

Attorney Withington informed Fisher that he had advised the Wailuku Company it could take the land with Withington said, however, that he believed the forming of separate corporations simply to take up land is an evasion of the law and he advised that he disapproved of it.

Governor Frear's statement was made as follows:

Secretary Fisher: Governor, the points covered in the complaint have been taken up on the ground with the interested parties as we visited the other islands. Some of the points have been comprehensively covered, so that it is not necessary to go into it at all. Others have been covered in part, but perhaps not fully, and there may be a few that have not been touched. At all events, perhaps the best plan would be for you to take the matter up. Have you a memorandum of any kind?

Governor: I made a rough sketch here and jotted down a few things. I thought that perhaps, unless some other suggestion is made, I would take up all the railroad matters first, then other new matters that have come up in the hearings that have not been touched on in the printed briefs, and then run over rapidly the matters in the complaint.

Fisher: Well, that is acceptable to me, if it is to you, Mr. Ashford. I wish you would, in your own way, give us such statements with regard to the general allegations of the complaint on the subject of homesteading.

ing; that is to say, the statement is made in large print on page 11 of the complaint that during more than four years of your administration not one acre of the public land not actually under cane cultivation—I suppose you mean which had been previously in cane cultivation—has been applied to homesteading purposes. That is to say, the allegation made in the complaint was that at that time no actual homestead had been established on cane lands. Now, I wish you would take up in your own way, perhaps in connection with any general statements you may wish to make as to your policy and acts on the general subject of homesteading. Give me your own explanation of the facts, whatever they are. You might as well follow your own lines.

Governor: Well, I will take that up right now.

Fisher: Just as you prefer. Whether you take it up now or at the end I don't care. You, as I understand, came to the Territory as a boy? Your father, how did he come here?

Governor: He came down here to take the pastorate of the foreign church, that is the American church.

Fisher: From where?

Governor: From California.

Fisher: What year was that?

Governor: In 1870. Arrived Christmas morning, 1870.

Fisher: And you lived here ever since, except when you were away at school and on trips?

Governor: Yes, when I was away at college and law school.

Fisher: Did you practise law here for a time?

Governor: I did.

Fisher: Then you were appointed Circuit Judge by the Queen, then Associate Justice of the Supreme Court by the Provisional Government, then later Second Associate and First Associate by the Republic and Chief Justice by President McKimley and again by President Roosevelt; also I held other positions.

Fisher: Now, when were you appointed Governor?

Governor: I took office about a month and a half after the appointment; the inauguration took place August 15, 1907.

Fisher: You were appointed at the expiration of Governor Carter's term?

Governor: He resigned shortly before his term expired.

Fisher: You were appointed to fill that vacancy?

Governor: It was a recess appointment. When the Senate met again I was reappointed.

Fisher: Well, now, if you will take up these matters, in such form or order as you think best.

Interested in Problems. Governor: Before I took office I had been much interested in the homesteading problem in the Territory and the feeling that I myself might do something toward the solution of that problem was one of the principal reasons why I was willing to accept the appointment, which I did rather reluctantly. I at once began a study of the homestead question. First, I adopted several policies which had not been previously followed—one was that I would not exchange large areas of country land for small areas of city land, because of the small areas of land available in the Territory for homestead purposes.

Even in the case of lands that were for the time being supposed to be incapable of cultivation, those might become available for that purpose in course of time by the construction of irrigation works, discovery of new crops or otherwise. I have had only three exchanges of large areas of land, in each case getting much larger areas than was given and getting lands that were far more suitable for homestead purposes than those that were conveyed by the government. After investigation the subject for some time, I was convinced that there was need of radical changes, both in the laws relating to homesteading and again in their administration. For instance, well, the chief difficulty seemed to be that there was every inducement both on the part of the small people seeking land and on the part of the large landholders, particularly the plantations, to use the homestead laws for the purpose of transferring lands from the government to others for purposes other than genuine homesteading.

After crystallizing my own views on the subject to some extent, I appointed an Advisory Land Law Commission, partly for the purpose of getting the benefit of their views after an independent study of the matter, and partly for the purpose of ventilating these matters and educating the public up to the new ideas, because I felt, among other things, that I had to get the support of the public in order to carry out the

Naming of Commission. I appointed this commission from the different elements in the community. For instance, I put on it Mr. W. A. Kinney, and Mr. A. W. Carter, who, I think, had the reputation of being, if anything, more radical on the homestead question than I was

myself. I appointed also Mr. Lewis, mainly because he was a comparatively recent comer and also quite familiar with conditions on the mainland and it seemed to me that it would be a good thing to have new

THEN HE WOULD BOLT. "But you're riding without spurs, Baron."

"For heaven's sake, not so loud. The brute will hear you."

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[The Star-Bulletin's second edition will continue the Governor's statement.]

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